

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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ECOLAB INC. and ECOLAB USA INC.,	)	
	)	
	)	
Plaintiffs,	)	C.A. No. 21-567-RGA
	)	
v.	)	
	)	
DUBOIS CHEMICALS, INC.,	)	
	)	
Defendant.	)	
	)	

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**PROPOSED VERDICT FORM**

**Instructions:** When answering the questions and filling out this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Please refer to the Jury Instructions for guidance on the law applicable to the subject matter covered by each question.

We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case:

### **BREACH OF CONTRACT**

1. Do you find by a preponderance of the evidence that DuBois has breached the Settlement Agreement?

*Checking “Yes” below indicates a finding for Ecolab.  
Checking “No” below indicates a finding for DuBois.*

Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “Yes” above, please proceed to Question 2. If you answered “No” above, please skip Question 2 and proceed to Question 3.

### **DAMAGES FOR BREACH OF CONTRACT**

2. What are Ecolab’s damages for DuBois’ breach of the Settlement Agreement?

\$ \_\_\_\_\_

Please proceed to Question 3.

### **INFRINGEMENT**

3. Do you find by a preponderance of the evidence that DuBois has directly or indirectly infringed the following Asserted Claims?

*Checking “Yes” below indicates a finding for Ecolab.  
Checking “No” below indicates a finding for DuBois.*

’257 Patent, Claim 41: Yes \_\_\_\_\_ No \_\_\_\_\_

’381 Patent, Claim 5: Yes \_\_\_\_\_ No \_\_\_\_\_

’381 Patent, Claim 7: Yes \_\_\_\_\_ No \_\_\_\_\_

'215 Patent, Claim 1: Yes \_\_\_\_\_ No \_\_\_\_\_

'215 Patent, Claim 16: Yes \_\_\_\_\_ No \_\_\_\_\_

If you answered “Yes” as to infringement of any of the Asserted Claims listed above, please proceed to Question 4. If you answered “No” as to infringement of all the Asserted Claims listed above, skip Questions 4 and 5.

### **DAMAGES FOR PATENT INFRINGEMENT**

4. What are Ecolab’s damages for patent infringement that were not already taken into account in your damages award in response to Question 2 above?

\$ \_\_\_\_\_

Please proceed to Question 5.

### **WILLFUL INFRINGEMENT**

5. Do you find by a preponderance of the evidence that DuBois’ infringement was willful?

*Checking “Yes” below indicates a finding for Ecolab.  
Checking “No” below indicates a finding for DuBois.*

Yes \_\_\_\_\_ No \_\_\_\_\_

You have reached the end of the verdict form. Review the completed form to ensure that it accurately reflects your unanimous decision. All jurors should then sign and date the verdict form in the space below and notify the Court Security Officer that you have reached a verdict. The Foreperson should retain possession of the verdict form and bring it to the courtroom with the jury.

For the Jury:

Dated \_\_\_\_\_ Foreperson \_\_\_\_\_

Dated \_\_\_\_\_ Juror \_\_\_\_\_